

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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1099988 - R8 SDMS

Ref: 8ENF-RCRA

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

April 2, 2009

Jon Nickel
Environmental Manager
Asarco
P.O. Box 1230 Smelter Road
East Helena, MT 59635

Dear Mr. Nickel:

The Montana Department of Environmental Quality (Department) and the United States Environmental Protection Agency (EPA) have reviewed Asarco's document titled *2009 Cleaning and Demolition Program and 2009 Interim Measures Work Plan Addendum, Asarco East Helena Plant (Work Plan)* dated March 2009. The Work Plan was submitted under a cover letter dated March 13, 2009.

The Department and EPA are issuing simultaneously, identical comment letters on the Work Plan. The comments are listed below:

1. **General:** The March 13, 2009 cover letter included estimated cost for various 2009 Work Plan tasks. In e-mail dated March 19, 2009 and March 32, 2009, EPA requested additional details on certain tasks. Asarco provided further estimates in a March 31, 2009 e-mail. Please include an updated cost estimate table with Asarco's response to this comment letter.
2. **General:** In Asarco's March 13, 2009 letter, two approaches regarding contractors were discussed. Asarco requested a discussion with the Department and EPA on the two approaches. As stated in Iver Johnson's March 19, 2009 e-mail to Asarco, the Department and EPA encourage Asarco to follow the first approach which involves seeking bids.
3. **Page 2-7, Section 2.2.2. Used Oil and Liquid Management:** A hazardous waste or used oil determination may need to be made of any oils and liquids removed. This section should be updated to clearly reflect that Asarco may need to manage oils and liquids as hazardous waste or used oil for off-site disposal.
4. **Page 2-13, Section 2.5, and Page 2-14, Section 2.6:** Please provide the Department and EPA with copies of the Stack Demolition Plan and the Community Relations Plan after their approval by Asarco. The Department and EPA would like to receive these documents prior to commencement of cleaning and demolition activities so that we have them on file if needed.
5. **Page 2-15, Section 2.7 NESHAP Permit:** Once a contractor is selected, the Department encourages Asarco to recommend that the contractor promptly work with the Department to ensure that the

Asbestos NESHAP notification is complete and an asbestos project permit is acquired in a timely manner so as not to delay the demolition and clean-up schedule.

6. **Page 3-1, Section 3.0 Historic Survey and Recordation:** Is the Sinter Stockpile Building listed in this section the same building as listed in Table 1-1, page 1-4 called the "Sinter Stocking Building" that is scheduled for demolition? Please clarify this issue.
7. **Page 5-1, Section 5.0, Cleaning:** Asarco should confer with the Montana SHPO to determine the acceptability of proceeding with the cleaning prior to completion of the recordation. For example, are pictures necessary of the bags in the baghouses?
8. **Pages 5-4, Section 5.1.7, Pump House:** Please evaluate if the diesel tank should be cleaned and disposed according to UST/AST regulations.
9. **Page 5-5, Section 5.1.8, Storm Water Sump:** The sludge removed from the active storm water sump is not CAMU-eligible waste. This is an active unit. The sludge should also be added to the list of non-CAMU wastes on page 7-1.
10. **Page 5-7, Section 5.1.13 Concentrate Storage and Handling Building (CSHB):** This section states the following..."the contractor shall wash the interior of the building using a low-volume high-pressure washer." Please explain how the wash water will be captured, i.e. by vacuum or allowed to drain via the storm lines to the wastewater treatment facility. Excess wash water may not be allowed to stand for lengthy periods of time in areas of the CSHB that may have cracks or other pathways to the soil; the Department and EPA want to ensure that further groundwater contamination is minimized.
11. **Page 6-6, Section 6.2.11, Miscellaneous Railroad Ties:** The railroad ties may be placed in the CAMU following representative sampling and distributed throughout the cell.
12. **Page 8-1, Section 8.1, Opening CAMU Phase 2 Cell for Waste Placement:** The Department and EPA prefer that the existing temporary cap be peeled back with care taken not to tear or contaminate it. The Department and EPA will be requiring a temporary cap at the end of 2009 Work Plan. The Department and EPA will not be approving placement of the final cap this year. Please revise the Work Plan including all appropriate figures.
13. **Page 8-6, Section 8.10, Site Inspections – Operation:** Please revise the last sentence, delete "in accordance with 40 CFR 264.303" and replace it with "consistent with the CAMU Cell 2 operating plan".
14. **Pages 8-7 through 8-9, Sections 8.11 Closing the CAMU Phase 2 Cell, 8.11.1 Cap Composite Liner, 8.11.2 Gas Collection System, 8.11.3 Surface Water Collection and Removal (SWCR) System, and 8.11.4 Cover Systems:** These sections should be removed and replaced with a description of the procedures for removal of the temporary cap and placement of a temporary cover over the CAMU at the conclusion of the 2009 CAMU Phase 2 waste placement.
15. **Page 8-7, Section 8.11 Closing the CAMU Phase 2 Cell:** The Work Plan should clearly state that the CAMU activities and capping will be conducted pursuant to the approved work plan. Asarco

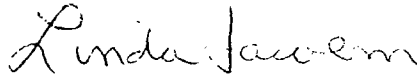
must clearly reference in the 2009 Work Plan the approved *Design Analysis Report, Asarco East Helena, Corrective Action Management Unit (CAMU) Phase 2 Cell*, latest revision July 2008.

16. **Page 9-1, Section 9.1 Sampling Frequency and Procedures and page 9-2, Table 9-1:** Please revise the report to reflect that bagged cleaning wastes and rail ties will need to be sampled.
17. **Page 9-2, Section 9.1 Sampling Frequency and Procedures:** Please revise Table 9-1 Material Volumes and Estimated Samples to reflect the corrected volumes pursuant to Asarco's March 27, 2009 e-mail to the Department.
18. **Page 9-3, Section 9.2, Laboratory Procedures:** The parameter list should be amended to include gold.
19. **Page 11-1, Section 11.0, Exposed Soil Sampling:** Please add an additional sample location for exposed areas on the northeast corner of the CSHB.
20. **Page 11-1, Section 11.0. Exposed Soil Sampling:** Asarco must submit the soil sampling results and include the laboratory QA/QC information, sample receipt checklist, and chain-of-custody. The work plan should include a date or the name of a standard report for submittal of this information.
21. **Page 11-2, Table 11-1 and page 11-3, Section 11.1.1.2. Exposed Soil Subsurface Profile Sample Collection:** Duplicate samples should be collected at a frequency of 1 in 10 samples. The final sample should be analyzed for 6010/6020 as well as SPLP. Please amend the text to reflect this.
22. **Page 12-1, Section 12.0 Plug and Abandon Underground Utilities:** Since the text indicates residual material including sewage may be encountered, please disinfect the lines with a bleach mixture as Asarco did last year.
23. **Page 12-2, Section 12.0 Plug and Abandon Underground Utilities:** Please explain the statement: "The sump does not need to be abandoned under the State of Montana well abandonment regulations." Is this sump a well? Does it have a sealed bottom? Please include more specifics on its construction.
24. **Page 13-2, Section 13.3. Interim Cap Techniques, Procedures and Material:** Asarco proposes using sand bags and/or tethered tires to secure the interim caps. The number of tires should be limited to prevent a future disposal issue when the interim caps are replaced with a final remedy.
25. **Page 15-1, Section 15.0, Project Oversight:** Asarco will need to retain a third party for oversight of removal and reinstallation of the temporary cap on the CAMU Phase 2 Cell.
26. **Page 16-2, Section 16.2 Annual Reporting:** The 2009 Work Plan Completion Report should be submitted to both EPA and the Department, since this is a joint work plan.
27. **Appendix B, Sheet 10:** Please amend this sheet to show the areas of newly exposed soils for 2009's work; please exclude or clearly indicate those areas already under temporary caps. Please clearly indicate proposed sample locations in these newly exposed areas.

28. **Appendix C, 716.01, Flowable Fill:** Please include in the 2009 Work Plan Completion Report the specification for the flow fill material used.

Please submit your response to this letter within 15-calendar days of receipt. A revised Work Plan or replacement pages may be submitted.

Sincerely,



Linda Jacobson
EPA Project Manager
RCRA Enforcement

cc: Iver Johnson, MDEQ
Denise Kirkpatrick, MDEQ

